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at 571-273-6500 with the United States Patent and Trademark Office,
Maintenance Fee Branch on 11 July 2012.

PATENT

Docket No.: 81906-562479 (076700US)

Client Ref. No.: UC 1989-242-3

KILPATRICK TOWNSEND & STOCKTON LLP

By: /Megan McCoy/**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

COMAI et al.

Patent No.: 6,051,753

Application No.: 07/985,742

Issue Date: April 18, 2000

For: FIGWORT MOSAIC VIRUS
PROMOTER AND USES

Customer No.: 20350

Confirmation No. 6260

Examiner: FOX, David T.

Art Unit: 1649

**NOTIFICATION OF ERROR IN
SMALL ENTITY STATUS AND
PAYMENT OF DEFICIENCY OWED
UNDER 37 CFR §1.28(c)**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

07/16/2012 MBANGURA 00000006 201430 6051753

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01 FC:1599 675.00 DA

This is supplemental to the *Notification Of Error In Small Entity Status
And Payment Of Deficiency Owed Under 37 CFR §1.28(c)* filed December 4, 2009.

The above-identified application, filed on December 4, 1992, originally claimed small entity status in good faith. It was subsequently discovered that through a license for the subject application effective November 12, 1992, small entity status was incorrectly claimed and maintained without deceptive intent, for the payment of fees. On December 4, 2009, a first correction to the entity status and payment of deficient fees was submitted. This was accompanied by an assertion that the license to the large entity was terminated on February 28, 1998. Therefore, the 4th and 8th year maintenance fees were paid as a small entity. It has recently been discovered that a license is in effect for this

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application and maintenance fees for the application should have been paid as a large entity. The 2th year maintenance fee, paid on October 18, 2011, was paid at the large entity rate.

The following submission and itemization meets the requirements of 37 C.F.R. Sections 1.28(c)(1) and (c)(2) and MPEP Section 509.03(X). Therefore, Applicant respectfully requests the total deficiency payment be processed as set out below and that the error be excused.

Notification of Loss of Small Entity Status

Applicant understands that under 37 CFR §1.27(g)(2) and §1.28(d) this submission is treated as a notification of loss of small entity status. A Supplemental Application Data Sheet amending the entity status is being filed concurrently herewith.

ITEMIZATION AND CALCULATION OF THE DEFICIENCY OWED

DATE FEE PAID	TYPE OF FEE	SMALL FEE ACTUALLY PAID	(CURRENT) LARGE FEE APPLIED	DEFICIENCY PAYMENT OWED
10/20/2003	Maintenance Fee, 4 th Year	\$455	\$1,130	\$675
10/18/2007	Maintenance Fee, 8 th Year	\$1,180	\$2,850	\$1,670

TOTAL DEFICIENCY OWED: \$2345

Applicants hereby authorize the Commissioner to deduct the total fees of \$2345 from the undersigned's Deposit Account No. 20-1430.

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If the USPTO Maintenance Fee Branch believes a telephone conference would expedite the processing of this Request, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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